

REMARKS

Applicant thanks the Examiner for the courtesy of an interview on November 2, 2005, as to the Final Rejection.

Pursuant to his advice, a Substitute Declaration is included to claim the benefits under 35 U.S.C. 120. Also, the Specification has been amended to reference the instant Application as a continuation of PCT/CN02/00114 -- although this is not fully understood as an Application Data Sheet was submitted in Applicant's Amendment filed June 13, 2005.

A Petition to Accept an Unintentionally Delayed Benefit Claim as simultaneously forwarded this date is included.


It is noted that Claims 1-4, 6 and 7 -- the only claims present in this Application -- were rejected under 35 U.S.C. 102(b) as being clearly anticipated by WO 02/68779. It is noted that such reference has the same disclosure as the instant Application, and qualified as a reference under 35 U.S.C. 102(b) as the benefit claimed under 35 U.S.C. 120 was not timely perfected.

In view of these enclosures and assuming the Petition to Accept Unintentionally Delayed Benefits is accepted, it is respectfully requested that the Final Rejection be withdrawn, and that Claims 1-4, 6 and 7 be allowed.

Respectfully submitted,

JIANRONG DENG

By:



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Dated: Nov 18, 2005

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: **JIANRONG DENG** :
Serial No.: 10/633,458 :
Filing Date: August 4, 2003 :
Title: **A FOLDABLE TENT HAVING EAVES** :
Group Art Unit: 3635 :
Examiner: **Mr. Robert J. Canfield** :

PETITION TO ACCEPT UNINTENTIONALLY DELAYED BENEFITS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant, through his attorney, Charles I. Brodsky, petitions the acceptance of his Unintentionally Delayed Benefit Claim under 35 U.S.C. 120.

Annexed is a copy of Application No. PCT/CN02/00114 filed on February 26, 2002. The disclosure of such Application is the same as that in this instant application.

This reference was not submitted within the later of four months from the actually filing date of this instant application, or within sixteen months from the filing date of the prior filed PCT Application. The entire delay between the date the claim for benefits under 35 U.S.C. 120 was due and the date the claim was filed was unintentional.

A check for \$1,370.00 in accordance with 37 CFR 1.17(t) is enclosed.

It is respectfully requested that this Petition be granted, as the Patent WO 02/68779 on which the aforesaid PCT Application was based, is the only reference cited against the claims in this Application.


The PTO did not receive the following
listed item(s) a check

I certify that the foregoing statements made by me are true. I aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Respectfully submitted,

JIANRONG DENG

By:



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